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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MEMC ELECTRONIC MATERIALS, INC.,	)	Case No.: C 01-4925 SBA (JCS)
	)	Related w/Case No. C 05-02133 SBA (JCS)
Plaintiff,	)	
	)	<b>MISCELLANEOUS ADMINISTRATIVE</b>
vs.	)	<b>REQUEST FOR EXTENSION OF TIME</b>
	)	<b>TO RESPOND TO DOCKET NO. 560; AND</b>
MITSUBISHI MATERIALS SILICON	)	<b>ORDER</b>
CORPORATION, a corporation of Japan;	)	
MITSUBISHI SILICON AMERICA	)	Date: None
CORPORATION, a California corporation;	)	Time: None
SUMITOMO MITSUBISHI SILICON	)	Courtroom 3, 3rd Floor
CORPORATION, aka SUMCO, a corporation	)	Honorable Sandra Brown Armstrong
of Japan; SUMCO USA CORPORATION, aka	)	
SUMCO USA, a Delaware Corporation; and	)	
SUMCO USA SALES CORPORATION, aka	)	
SUMCO USA SALES, a Delaware corporation,	)	
	)	
Defendants.	)	

1 Defendants, through their counsel, hereby request the Court to grant this administrative  
2 request for additional time to respond to Docket No. 560, which is MEMC's Administrative Request  
3 to File Documents Under Seal.

4 As the Court knows, the parties have submitted voluminous briefs, declarations and exhibits  
5 and have filed a number of administrative requests to seal certain documents. On December 8, 2005,  
6 MEMC submitted an administrative request which designated 79 exhibits under seal and two entire  
7 briefs under seal, claiming that it is necessary and appropriate to file these documents under seal in  
8 "that reference is made throughout the motion to information and documents designated by  
9 Defendants" as confidential. MEMC also claimed it would not be practical to "remove the  
10 confidential information or exhibits from the motion or declarations and make it meaningful."

11 Unfortunately the exhibits and briefs submitted pursuant to Docket No. 560 are extremely  
12 voluminous, and actually in many cases are documents designated confidential by MEMC, not by  
13 defendants. Defendants are also missing several exhibits from the set of documents designated  
14 confidential by MEMC – these documents were provided on a CD, not in paper form, which has  
15 been the consistent practice in this case. Counsel for defendants have diligently attempted to  
16 respond to Docket 560 but respectfully request that more time is required to comply. On December  
17 21, 2005, I attempted to contact Duane Mathieowetz to determine if he would agree to an extension  
18 of time but could not reach him. Defendants simply request additional time to review the documents  
19 to determine whether any confidential information should be placed in the public record, and to  
20 determine whether MEMC and not Defendants should make determinations about what documents it  
21 designated confidential should remain confidential. Because of the upcoming holidays and  
22 additional time constraints, defendants request that they be permitted to submit an appropriate  
23 response to Docket 560 no later than January 6, 2006. The only issue presented by defendants'  
24 response is whether the voluminous documents filed under seal by MEMC should be filed under seal  
25 or ultimately be placed in the public file. For this reason, defendants respectfully request additional  
26 time to submit their response.

27 I declare under penalty of perjury that the foregoing is true and correct.  
28

1 Dated: December 21, 2005

Respectfully submitted,

3 By: /s/ Matthew T. Powers

4 Edward V. Anderson  
5 Robert B. Morrill  
6 Matthew T. Powers  
SIDLEY AUSTIN BROWN & WOOD LLP

7 R. Terrance Rader (*Pro Hac Vice*)  
8 David T. Nikaido (*Pro Hac Vice*)  
RADER, FISHMAN & GRAUER PLLC


9 Attorneys for Defendants

**[PROPOSED] ORDER**

Good cause appearing therefor, the Court ORDERS that defendants are to submit an appropriate response to Docket No. 560 no later than January 6, 2006.

IT IS SO ORDERED.

Dated: 1/3/06

  
Honorable Sandra B. Armstrong  
United States District Judge

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